HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.23385 of 2007

Dated: 06-11-2007

Between:
P.Venugopal Goud.

...
Petitioner

AND
Sub-Inspector of Police, Laxettipeta P.S.,
Laxettipeta, Adilabad District and two others.

...
Respondents

Counsel for the petitioner: Sri Jalli Kanakayya.

Counsel for the respondents: Asst. G.P. for Home for R.1 & R.2.
Asst. G.P. for Transport for R.3.

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ORDER:

This Writ Petition is filed for a Writ of Mandamus to declare the action of the respondents in seizing and detaining the petitioner's Auto bearing Registration No.AP.01/W.0091 on 30-9-2007, without any check report, as illegal.

When the matter came up on 5-11-2007 this Court directed the learned Assistant Government Pleaders for Home and Transport to produce the record. Accordingly, they have produced the record today.

A perusal of the record produced by the learned Assistant Government Pleader for Home shows that on 30-10-2007 as many as nine auto rickshaws were seized under individual check reports and except the check report relating to the petitioner's vehicle all other check reports were signed by the drivers of auto rickshaws. On the check report relating to the petitioner's vehicle, respondent No.1 made an endorsement that the driver refused to sign.

The learned Assistant Government Pleader for Transport stated that the check reports forwarded by respondent No.1 were received by the Secretary, Regional Transport Authority, Mancherial, respondent No.3 herein, on 4-10-2007 and that the petitioner had not approached the 3rd respondent for release of the vehicle. Under Rule 448-B of the A.P. Motor Vehicle Rules, 1989 the owner of the seized vehicle is entitled to seek release of the vehicle by making an application to the Secretary, Regional Transport Authority. Since the petitioner has not approached the 3rd respondent, I am not inclined to entertain this Writ Petition.

The Writ Petition is, accordingly, dismissed. However, it is open to the petitioner to approach the 3rd respondent seeking release of his auto bearing Registration No.AP.01/W.0091. It is made clear that if an adverse order is passed, the petitioner is at liberty to avail the appropriate remedy.

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Dt.06-11-2007 **C.V.NAGARJUNA REDDY,J**

Note:
Issue CC in two days.

(BO)

MNR